

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 99D.22(5), the Department of Agriculture and Land Stewardship hereby amends Chapter 62, "Registration of Iowa-Foaled Horses and Iowa-Whelped Dogs," Iowa Administrative Code.

The amendments create a thoroughbred promotional fund for payments to second, third and fourth place Iowa-bred thoroughbred winners at Prairie Meadows racetrack. 2011 Iowa Acts, Senate File 526, requires breeder's awards or purse supplement awards to enhance and foster the growth of the horse breeding industry. The Iowa Thoroughbred Breeders and Owners Association voted this fall at its board meeting to request this change.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because Notice of Intended Action on these amendments was published as **ARC 9918B** on December 14, 2011, and no comments were received from the public during the comment period which ended on January 3, 2012.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 5, 2012. The emergency adoption of these amendments provides a benefit to the public by allowing the payments to be made in a more timely fashion.

These amendments are identical to the noticed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2011 Iowa Acts, Senate File 526.

These amendments became effective January 5, 2012.

The following amendments are adopted.

ITEM 1. Amend rule 21—62.2(99D) as follows:

21—62.2(99D) Iowa horse and dog breeders' fund and Iowa thoroughbred horse breeders' promotion fund. Iowa-foaled horses and Iowa-whelped dog records and breeder payments:

The department will establish and maintain a records system entitled the "Iowa Horse and Dog Breeders' Fund." This records system will feature a list of thoroughbred, standardbred and quarter horses who have qualified to be Iowa-foaled horses, as well as a listing of all greyhound dogs that have qualified to be Iowa-whelped dogs.

A sum equal to 12 percent of the purse won by an Iowa-foaled horse or Iowa-whelped dog shall be used to promote the horse and dog breeding industries. This percentage shall be applicable to all races that are limited to Iowa-foaled horses or Iowa-whelped dogs as well as all other races which are won by Iowa-foaled horses or Iowa-whelped dogs.

The 12 percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which, in turn, shall deposit ~~it~~ the 12 percent in a special fund to be known as the "Iowa Horse and Dog Breeders' Fund" and pay ~~it~~ the 12 percent by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or the breeder of the Iowa-whelped dog.

A sum equal to 6 percent of the purse won by an Iowa-foaled thoroughbred horse shall be used as a supplement to promote the thoroughbred horse breeding industries for horses placing second through fourth place. This percentage shall be applicable to all thoroughbred races that are held at Prairie Meadows racetrack.

The 6 percent supplement shall be withheld by the licensee from the horse breeders' fund for thoroughbreds and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which, in turn, shall deposit it in a special fund to be known as the "Iowa Thoroughbred Horse Breeders' Promotion Fund." This fund will pay 6 percent of the money earned to

each horse placing second, third and fourth place by December 31 of each calendar year to the breeder of the Iowa-foaled thoroughbred horse.

62.2(1) to 62.2(5) No change.

ITEM 2. Amend rule **21—62.6(99D)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 99D.22 as amended by 2005 Iowa Acts, House File 808, sections 19 and 20.

[Filed Emergency 1/5/12, effective 1/5/12]

[Published 1/25/12]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/25/12.